

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
689 EATERY CORP., etc., *et ano.*, :

Plaintiffs, :

- against - :

Civil Action No.
02 CV 4431 (LJL)

THE CITY OF NEW YORK, et al., :

Defendants. :

-----X
59 MURRAY ENTERPRISES INC., etc., *et al.*, :

Plaintiffs, :

- against - :

Civil Action No.
02 CV 4432 (LJL)

THE CITY OF NEW YORK, et al., :

Defendants. :

-----X
CLUB AT 60TH STREET, INC., etc., *et al.*, :

Plaintiffs, :

- against - :

Civil Action No.
02 CV 8333 (LJL)

THE CITY OF NEW YORK, :

Defendant. :

-----X
336 LLC., etc., *et al.*, :

Plaintiffs, :

- against - :

Civil Action No.
18 CV 3732 (LJL)

THE CITY OF NEW YORK, :

Defendant. :

-----X

**NOTICE OF FILING OF
JOINT REQUEST AND STIPULATIONS REGARDING
THE TAKING OF JUDICIAL NOTICE**

PLEASE TAKE NOTICE, that Plaintiffs hereby file the within Joint Request and Stipulations Regarding The Taking of Judicial Notice in the above-captioned actions.

Dated: May 9, 2022

JENNIFER M. KINSLEY, ESQ.

*Lead Counsel for Plaintiffs in
02 Civ 4431 (LJL)*
Kinsley Law Office
P.O. Box 19478
Cincinnati, OH 45219
(513) 708-2595
kinsleylawoffice@gmail.com

G. RANDALL GARROU, ESQ.

JEROME M. MOONEY, ESQ.

*Lead Counsel for Plaintiffs in
02 Civ 8333 (LJL)*
Weston Garrou & Mooney
12121 Wilshire Blvd # 525
Los Angeles, CA 90025
(310) 442-0072
randygarrou@wgdlaw.com
jerrym@mooneylaw.com

-and-

-and-

AMIT SHERTZER, ESQ.

MITCHEL SCHUSTER, ESQ.

*Local Counsel for Plaintiffs in
02 Civ 4431 (LJL)*
Meister Seelig & Fein LLP
125 Park Avenue, 7th Floor
New York, NY 10017
(212) 655-3500
as@msf-law.com
ms@msf-law.com

ALAN ABRAMSON, ESQ.

*Local Counsel for Plaintiffs in
02 Civ 8333 (LJL)*
Abramson & Morak
35 Worth Street, # 3
New York, NY 10013
(212) 226-7098
alanabramson@abramsonmorak.com

By: s/Jennifer M. Kinsley
Jennifer M. Kinsley

By: s/G. Randall Garrou
G. Randall Garrou

EDWARD S. RUDOFISKY, ESQ.

*Counsel for Plaintiffs in
02 Civ 4432 (LJL)*
Zane and Rudofsky
Five Arrowwood Lane
Melville, NY 11747
(917) 913-9697
ed@rudofskylaw.com

ERICA T. DUBNO, ESQ.

*Counsel for Plaintiffs in
18 Civ 3732 (LJL)*
Fahringer & Dubno
42 W 43rd Street, # 261
New York, NY 10036
(212) 319-5351
erica.dubno@fahringerlaw.com

By: s/Edward S. Rudofsky
Edward S. Rudofsky

By: s/Erica T. Dubno
Erica T. Dubno

SHERYL NEUFELD, ESQ.
MARK MUSCHENHEIM, ESQ.
KERRI DEVINE, ESQ.

*Counsel for Defendants in
All Actions*

Office of NYC Corporation Counsel
NYC Law Department
100 Church Street
New York, NY 10007
(212) 356-1000
sneufeld@law.nyc.gov
mmuschen@law.nyc.gov
kdevine@law.nyc.gov

By: s/Sheryl Neufeld
Sheryl Neufeld

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
689 EATERY CORP., etc., *et ano.*, :

Plaintiffs, :

- against - :

Civil Action No.
02 CV 4431 (LJL)

THE CITY OF NEW YORK, et al., :

Defendants. :

-----X
59 MURRAY ENTERPRISES INC., etc., *et al.*, :

Plaintiffs, :

- against - :

Civil Action No.
02 CV 4432 (LJL)

THE CITY OF NEW YORK, et al., :

Defendants. :

-----X
CLUB AT 60TH STREET, INC., etc., *et al.*, :

Plaintiffs, :

- against - :

Civil Action No.
02 CV 8333 (LJL)

THE CITY OF NEW YORK, :

Defendant. :

-----X
336 LLC., etc., *et al.*, :

Plaintiffs, :

- against - :

Civil Action No.
18 CV 3732 (LJL)

THE CITY OF NEW YORK, :

Defendant. :

-----X

**JOINT REQUEST AND STIPULATIONS REGARDING
THE TAKING OF JUDICIAL NOTICE**

JNR-000001

I. **JOINT REQUEST TO TAKE JUDICIAL NOTICE**: The parties request that the Court take judicial notice, pursuant to Federal Rule of Evidence 201, that the following enumerated and attached documents and things are authentic and true copies of what they purport to be. For the purposes of this litigation, the parties do not contest the authenticity of each or any document or thing, nor that it is a true copy of what it purports to be, but otherwise reserve any and all objections they may have to consideration of each item:

	<u>Documents And Things</u>	<u>Pgs./Vol.</u>
A. <u>NYC Council Resolutions Amending NYC Zoning Resolutions</u>		
<u>Exhibit 1</u>	Resolution 1322-1995, approving Text Amendment N 950384 ZRY ("1995 Ordinance")	000020-000034 (Vol. 1)
<u>Exhibit 2</u>	Resolution 0208-1998, approving Text Amendment N 980135 ZRY ("1998 Amendments"), as published in Vol. I of Proceedings of the Council of the City of New York for the period January 7, 1998 to June 24, 1998	000035-000056 (Vol. 1)
<u>Exhibit 3</u>	Resolution 2096-2001, approving Text Amendment N 010508 ZRY ("2001 Amendments"), as signed by the Clerk of the City of New York	000057-000074 (Vol. 1)
<u>Exhibit 4</u>	Portions of NYC Council Resolution 586-2004 amending ZR 32-01 & 42-01 regarding adult businesses ("2004 Amendments"), as published in Vol. II, Part I, of Proceedings of the Council of the City of New York for the period July 21, 2004 to December 15, 2004	000075-000081 (Vol. 1)
<u>Exhibit 5</u>	Portions of NYC Council Resolution 0499-2010 amending, ZR 32-01 & 42-01 regarding adult businesses ("2010 Amendments"), as published in Vol. II, Part I, of Proceedings of the Council of the City of New York for the period July 29, 2010 to December 20, 2010	000082-000089 (Vol. 1)
B. <u>New York City Department of Buildings ("DOB") Materials</u>		
(i) Directive		

Documents And Things (Cont'd)		Pgs./Vol. (Cont'd)
<u>Exhibit 6</u>	Directive 14 of 1975 (authorizing professional certification of applications for building permits by architects and engineers)	000090-000092 (Vol. 1)
(ii) Policy and Procedure Notices		
<u>Exhibit 7</u>	OPPN 17/95 (prohibiting professional certification of adult establishment filings by architects and engineers)	000093-000108 (Vol. 1)
<u>Exhibit 8</u>	OPPN 6/96 (reaffirming prohibition on professional certification of filings related to adult establishments by architects and engineers)	000109-000116 (Vol. 1)
<u>Exhibit 9</u>	OPPN 7/96 (defining "place of worship" and "church")	000117-000118 (Vol. 1)
<u>Exhibit 10</u>	OPPN 8/96 (describing methodology for measuring separation between adult establishments and other adult establishments or sensitive receptors)	000119-000123 (Vol. 1)
<u>Exhibit 11</u>	OPPN 4/98 (definition of "substantial portion")	000124-000126 (Vol. 1)
<u>Exhibit 12</u>	OPPN 6/98 (explanation of "substantial portion" in context of multiple uses)	000127-000129 (Vol. 1)
<u>Exhibit 13</u>	OPPN 5/02 (clarifying procedures for professional certification by architects and engineers)	000130-000135 (Vol. 1)
<u>Exhibit 14</u>	OPPN 7/02 (clarifying procedures for securing "priority" as an adult establishment)	000136-000138 (Vol. 1)
<u>Exhibit 15</u>	OPPN 1/04 (clarifying procedures for professional certification by architects and engineers)	000139-000149 (Vol. 1)
(iii) Bulletins		
<u>Exhibit 16</u>	Buildings Bulletin 2016-010 (describing procedures for professional certification)	000150-000153 (Vol. 1)
<u>Exhibit 17</u>	Buildings Bulletin 2020-005 (describing procedures for processing building permit applications for adult establishments in the event that the 2001 Amendments are upheld)	000157 (Vol. 2)

JNR-000003

	Documents And Things (Cont'd)	Pgs./Vol. (Cont'd)
(iv)	Code Notes	
<u>Exhibit 18</u>	Adult Establishment Applications (handbook from DOB website)	000158-000168 (Vol. 2)
(v)	Guide	
<u>Exhibit 19</u>	Excerpts from DOB "Place of Assembly" guide (https://www1.nyc.gov/assets/buildings/pdf/code_notes_place-of-assembly.pdf)	000169-000170 (Vol. 2)
C.	<u>New York City Department of City Planning ("DCP") Materials</u>	
<u>Exhibit 20</u>	NYC DCP "Manufacturing Districts: M3" webpage (https://www1.nyc.gov/site/planning/zoning/districts-tools/m3.page)	000171-000172 (Vol. 2)
<u>Exhibit 21</u>	NYC Department of City Planning "Manufacturing Districts: January 1, 2002 to January 1, 2012" webpage (https://www1.nyc.gov/site/planning/zoning/districts-tools/mfg-districts-2002-2012.page)	000173-000175 (Vol. 2)
<u>Exhibit 22</u>	DCP "Use Groups" webpage (https://www1.nyc.gov/site/planning/zoning/districts-tools/use-groups.page)	000176-000179 (Vol. 2)
<u>Exhibit 23</u>	DCP "Manufacturing Districts: Overview" webpage (https://www1.nyc.gov/site/planning/zoning/districts-tools/mfg-districts.page)	000180-000181 (Vol. 2)
<u>Exhibit 24</u>	DCP City Planning History webpage (https://www1.nyc.gov/site/planning/about/city-planning-history.page)	000182-000185 (Vol. 2)
<u>Exhibit 25</u>	DCP "Community-Based Planning" webpage (https://www1.nyc.gov/site/planning/community/community-based-planning.page)	000186-000191 (Vol. 2)
<u>Exhibit 26</u>	DCP "Special Purpose Districts: Citywide" webpage (https://www1.nyc.gov/site/planning/zoning/districts-tools/special-purpose-districts-citywide.page)	000192-000198 (Vol. 2)

	Documents And Things (Cont'd)	Pgs./Vol. (Cont'd)
<u>Exhibit 27</u>	DCP "Special Purpose Districts" webpage (https://www1.nyc.gov/site/planning/zoning/districts-tools/special-purpose-districts.page)	000199 (Vol. 2)
<u>Exhibit 28</u>	DCP Press Release, November 15, 2011, containing "Mayor Michael Bloomberg's Remarks at Zoning the City Conference, as Delivered by Deputy Mayor Robert K. Steel" (https://www1.nyc.gov/assets/planning/download/pdf/about/press-releases/pr111511.pdf)	000200-000202 (Vol. 2)
<u>Exhibit 29</u>	DCP's portion of the Mayor's Management Report, dated September 2012 (http://www.nyc.gov/html/ops/downloads/pdf/mmr0912/dcp.pdf)	000203-000206 (Vol. 2)
<u>Exhibit 30</u>	Excerpts from NYC's Risk Landscape: A Guide to Hazard Mitigation, Coastal Erosion Chapter 4.2, developed by the NYC Emergency Management in Partnership with the DCP and Close Collaboration with the NYC Mayor's Office of Recovery and Resiliency https://www1.nyc.gov/assets/em/downloads/pdf/hazard_mitigation/nycs_risk_landscape_a_guide_to_hazard_mitigation_final.pdf)	000209-000222 (Vol. 3)
<u>Exhibit 31</u>	Map from the NYC Flood Hazard Mapper generated by the DCP depicting current general citywide floodplain data (https://www1.nyc.gov/site/planning/data-maps/flood-hazard-mapper.page) (visited March 11, 2019)	000223 (Vol. 3)
<u>Exhibit 32</u>	Maps generated from the DCP database, visited March 11, 2019, indicating, in blue, the floodplain information (effective flood insurance rate maps for 2007 and 2015) and coastal zone boundary for each of the 39 lots identified by the City as allowing adult use establishments (https://zola.planning.nyc.gov/about/#9.72/40.7125/-73.733)	000224-000262 (Vol. 3)
D. <u>New York City Fire Department ("FDNY") Materials</u>		
<u>Exhibit 33</u>	Excerpts from FDNY "Theater Inspections, Maintenance and Recordkeeping" Rules (https://www1.nyc.gov/assets/fdny/downloads/pdf/about/fdny-rules.pdf)	000263-000267 (Vol. 3)

	Documents And Things (Cont'd)	Pgs./Vol. (Cont'd)
E.	<u>Metropolitan Transportation Authority ("MTA") Materials</u>	
<u>Exhibit 34</u>	MTA Staten Island Railway ("SIR") System Map (http://web.mta.info/nyct/maps/simap.htm)	000268 (Vol. 3)
<u>Exhibit 35</u>	MTA Bridges and Tunnels Tolls (http://web.mta.info/bandt/traffic/btmain.html#cars)	000269-000272 (Vol. 3)
F.	<u>New York State Division of Local Government Services Materials</u>	
<u>Exhibit 36</u>	Zoning and the Comprehensive Plan, James A. Coon Local Government Technical Series, Revised 2015 (https://www.dos.ny.gov/lg/publications/Zoning_and_the _Comprehensive_Plan.pdf)	000275-000292 (Vol. 4)
G.	<u>Former Provisions of New York City Administrative Code</u>	
<u>Exhibit 37</u>	(Former) Title 27, Chapter 1, Article 9 ("Approval of Plans"), Repealed 2008	000293-000295 (Vol. 4)
<u>Exhibit 38</u>	(Former) Title 27, Chapter 1, Article 10 ("Permits"), Repealed 2008	000296-000297 (Vol. 4)
<u>Exhibit 39</u>	(Former) Title 27, Chapter 1, Article 19 ("Issuance of Permits") relevant sections), Repealed 2008	000298-000299 (Vol. 4)
<u>Exhibit 40</u>	(Former) Title 27, Chapter 1, Article 22, Section 27-217 ("Certificates of Occupancy / Change of Occupancy or Use"), Repealed 2008	000300 (Vol. 4)
H.	<u>Legislative History of 1995 Resolution</u>	
<u>Exhibit 41</u>	DCP Adult Entertainment Study, November 1994 (Complete)	000301-000392 (Vol. 4)
<u>Exhibit 41-1</u>	DCP Survey of Adult Entertainment Establishments, Fall 1993 [Appendix B to (1994) Adult Entertainment Study]	000395-000399 (Vol. 5)
<u>Exhibit 41-2</u>	Page 22 of the DCP Adult Entertainment Study	000400 (Vol. 5)

Documents And Things (Cont'd)		Pgs./Vol. (Cont'd)
<u>Exhibit 41-3</u>	1995 City Planning Commission Report	000401-000478 (Vol. 5)
I. <u>Legislative History of 2001 Amendments</u>		
<u>Exhibit 42</u>	March 21, 2001 DCP Application No. N 010508 ZRY (to amend the ZR definition of adult establishment)	000479-000489 (Vol. 5)
<u>Exhibit 43</u>	CEQR Negative Declaration No. 01DCP045Y of March 26, 2001, and Environmental Assessment Statement No. 01DCP045Y filed March 26, 2001	000490-000554 (Vol. 5)
<u>Exhibit 43-1</u>	2000 List of Adult Establishments [Appendix A to CEQR Negative Declaration of March 26, 2001]	000555-000559 (Vol. 5)
<u>Exhibit 43-2</u>	Comparison of Numbers of Adult Establishments in 1993 and 2000 [Appendix B to CEQR Negative Declaration]	000560 (Vol. 5)
<u>Exhibit 44</u>	Transcript of New York City Planning Commission Public Hearing held May 23, 2001	000563-000638 (Vol. 6)
<u>Exhibit 45</u>	August 8, 2001 New York City Planning Commission Report (Complete)	000660-000840 (Vol. 6)
<u>Exhibit 45-1</u>	Pages 6-7 of the 2001 NYC Planning Commission Report (discussing numbers and location – by Boroughs – of adult businesses)	000841-000842 (Vol. 6)
<u>Exhibit 46</u>	Transcript of New York City Planning Commission Public Hearing held August 8, 2001	000843-000854 (Vol. 6)
<u>Exhibit 47</u>	Transcript of October 1, 2001 Hearing of Zoning and Franchises Subcommittee of New York City Council	000855-000895 (Vol. 6)
<u>Exhibit 48</u>	Correspondence between Edward S. Rudofsky and New York City Council (October 9, 2001), and David Karnovsky and New York City Council (October 24, 2001)	000898-000905 (Vol. 7)
<u>Exhibit 49</u>	Transcript of October 25, 2001 Meeting of Zoning and Franchises Subcommittee of New York City Council	000906-0000916 (Vol. 7)

**Documents And Things
(Cont'd)**

**Pgs./Vol.
(Cont'd)**

<u>Exhibit 50</u>	Transcript of October 25, 2001 Meeting of Land Use Committee of New York City Council	000917-000923 (Vol. 7)
<u>Exhibit 51</u>	Transcript of October 31, 2001 Meeting of the New York City Council	000924-001035 (Vol. 7)
J. <u>Prior Litigation Documents</u>		
<u>Exhibit 52</u>	Affidavit of David Karnovsky, Counsel to the New York City Department of City Planning, sworn to October 23, 2002, filed in State Action (Index No. 121197/2002) on October 25, 2002 (without internal exhibits)	001036-001071 (Vol. 7)
<u>Exhibit 53</u>	Excerpts from Affidavit of David Karnovsky, sworn to October [date left blank] 2002, filed in State Action (Index No. 121080/02) on unknown date	001072-001080 (Vol. 7)
<u>Exhibit 54</u>	Relevant pages from transcripts of evidentiary hearing in State Action (Index No. 121197/2002) in Supreme Court, New York County, on February 23 through March 2, 2009	001083-001309 (Vol. 8)
<u>Exhibit 55</u>	Excerpt from Respondents' Brief of City of New York, et al., filed in NY Court of Appeals re Index Nos. 113049/96, 103568/96 and 103569/96, dated December 11, 1997	001310-001313 (Vol. 8)
<u>Exhibit 56</u>	Excerpts from September 3, 1996 deposition testimony of Marilyn Mammano, Director of Zoning & Urban Design of the NYC Department of City Planning, in State Action (Index No. 103569/96)	001314-001323 (Vol. 8)
<u>Exhibit 57</u>	Maps (Reduced Size Versions) Generated by the DCP of Manhattan, Brooklyn, Bronx, Queens, and Staten Island, based on 1993-1995 data, indicating "Areas Where Adult Uses Would Continue to be Allowed Under the Proposal and Encumbered Property Within those Areas", filed State Actions (Index Nos. 103568/96 and 103569/96) as Exhibit RR to the Affidavit of Andrew S. Lynn, dated September 17, 1996	001324-001328 (Vol. 8)
<u>Exhibit 58</u>	Maps generated by the DCP depicting the reduction in permissible areas for adult businesses based on Zoning Changes between 1995 and 2001, filed in State Action (Index No. 121080/02) on October 17, 2002, as Exhibit S to the Affidavit of David Karnovsky	001329-001343 (Vol. 8)

JNR-000008

Documents And Things (Cont'd)		Pgs./Vol. (Cont'd)
<u>Exhibit 59</u>	Litigation Management Agreement dated September 25, 2017 (Exhibit B to March 2, 2018 letter from Plaintiffs to Hon. William Pauley)	001344-001351 (Vol. 8)
<u>Exhibit 60</u>	Stipulation and Agreement, dated August 2, 2017, executed by Erica T. Dubno, counsel for the Bookstore Plaintiffs, and Assistant Corporation Counsel Sheryl Neufeld, counsel for the City of New York	001355-001360 (Vol. 9)
K.	<u>Studies</u>	
<u>Exhibit 61</u>	Moss and Quing, "The Dynamic Population of Manhattan", Rudin Center for Transportation Policy and Management of the New York University Wagner School of Public Service (2012) (https://wagner.nyu.edu/files/faculty/publications/dynamic_pop_manhattan.pdf)	001361-001385 (Vol. 9)
<u>Exhibit 62</u>	Linz and Paul, "Measuring the Secondary Effects of 60/40 Businesses in New York City: A Study of Calls For Service to the Police", including Figures and Tables (2005) (Exhibits 6 and 6A admitted into evidence at evidentiary hearing held on February 23 through March 2, 2009 in <i>Ten's Cabaret, Inc. v. City of New York</i> , Supreme Court, New York County, Index No. 121197 /2002	001386-001436 (Vol. 9)
<u>Exhibit 63</u>	Freeman, "Examining The Relationship Between Businesses That Comply With the ' 60/40' Zoning Regulations and Surrounding Property Values in New York City" (2008) (Exhibit 8 admitted in evidence at evidentiary hearing held on February 23 through March 2, 2009 in <i>Ten's Cabaret, Inc. v. City of New York</i> , Supreme Court, New York County, Index No. 121197 /2002	001437-001471 (Vol. 9)
<u>Exhibit 64</u>	Focus Probe, Inc., "Perceived Differences Between Adult Entertainment Clubs With ' Subdued Facades ' vs. 'Loud Facades'), with photographs (Exhibits 12, 12A, 12B and 12C admitted in evidence at evidentiary hearing held on February 23 through March 2, 2009, in <i>Ten's Cabaret, Inc. v. City of New York</i> , Supreme Court, New York County, Index No. 121197 /2002)	001472-001495 (Vol. 9)

**Documents And Things
(Cont'd)**

**Pgs./Vol.
(Cont'd)**

L. Newspaper Articles

<u>Exhibit 65</u>	Charles V. Bagli, "Going Out With a Building Boom, Mayor Pushes Billions in Projects", N.Y. Times, Dec. 15, 2013 (https://nyti.ms/1hVKOOQ)	001496-001500 (Vol. 9)
<u>Exhibit 66</u>	Ford Fessenden, "The Bloomberg Years: Reshaping New York", N.Y. Times, Aug. 18, 2013 (interactive feature) (http://www.nytimes.com/newsgraphics/2013/08/18/reshaping-new-york/index.html)	001501 (Vol. 9)
<u>Exhibit 67</u>	Jonathan Lemire, "Michael Bloomberg's NYC Mayoralty Comes to an End", Associated Press, Jan. 1, 2014 (https://www.dailyfreeman.com/news/michael-bloomberg-s-nyc-mayorality-comes-to-an-end/article901c8f2f-labd-5150-b23d-9fc9674265b3.html)	001502-001503 (Vol. 9)
<u>Exhibit 68</u>	James Dao, "The 1993 Elections: Staten Island; Secession is Approved; Next Move is Albany's", N.Y. Times, Nov. 3, 1993 (https://www.nytimes.com/1993/11/03/nyregion/the-1993-elections-staten-island-secession-is-approved-next-move-is-albany-s.html)	001504-001506 (Vol. 9)
M. <u>Miscellany</u>		
<u>Exhibit 69</u>	List of 28 "Manhattan Lots Identified By Both City and Plaintiffs as Legally Permissible for Adult Use Establishments and Where Both Plaintiffs and Defendants Agree That At Least Some Types of New Commercial Business Could Be Established" as of October 31, 2018	001507 (Vol. 9)
<u>Exhibit 70</u>	List of 36 "Existing Manhattan Lots That Allow[ed] Adult Use Establishments" as of October 31, 2018	001508 (Vol. 9)
<u>Exhibit 71</u>	List of 1,703 Unencumbered Lots City Contends are Over 5,000 Square Feet and Where Zoning Would Allow Adult Use Establishments in NYC	001511-001561 (Vol. 10)
<u>Exhibit 71-1</u>	Defendants' Responses to Plaintiffs' Questions about the Methodology Used by Defendants to Prepare the List of 1,703 Unencumbered Lots (Exhibit 71)	001562-001569 (Vol. 10)

JNR-0000010

Documents And Things (Cont'd)		Pgs./Vol. (Cont'd)
<u>Exhibit 71-2</u>	Instructions to City Planning Staff that Evaluated Potential Adult Use Sites & Detailed Technical Methodology	001570-001584 (Vol. 10)
<u>Exhibit 72</u>	Compilation of statements extracted from (a) the 2001 NYC Planning Commission Report, and (b) the Declaration of David Karnovsky, Counsel to DCP, dated September 4, 2002 ("2002 Karnovsky Federal Court Declaration"), regarding the historical numbers of 100% and 60/40 establishments in New York City in 1993 and 2001, with accompanying interpretative charts based on the data set forth in the text	001585-001593 (Vol. 10)
<u>Exhibit 73</u>	List of 32 known currently operating 60/40 businesses which would need to relocate if the 2001 Amendments are allowed to take effect	001594 (Vol. 10)
<u>Exhibit 74</u>	2019 Times Square Alliance Chart entitled "Annual Crime in Times Square"	001595 (Vol. 10)
<u>Exhibit 75</u>	Title 1, Rules of the City of New York, § 9000-1	001596 (Vol. 10)

II. STIPULATION. The parties hereby stipulate that the following are (or while they were in effect, were) promulgated statutes, laws, ordinances and/or rules currently available online and which may be referred to without the formal taking of judicial notice pursuant to Federal Rule of Evidence 201:

A. New York City Amended Zoning Resolution ("ZR") Provisions

- (i) ZR § 31-17
- (ii) ZR § 31-18
- (iii) ZR § 32-01
- (iv) ZR § 32-69
- (v) ZR § 42-01
- (vi) ZR § 42-11

- (vii) ZR § 42-13
- (viii) ZR § 52-11
- (ix) ZR § 52-61
- (x) ZR § 52-734
- (xi) ZR § 52-77
- (xii) ZR § 72-41

B. New York City Administrative Code Provisions

- (i) Title 28, Chapter 1, Subchapter 1, Article 101 (entitled "General"):
 - (a) § 28-101.1 - Title; and
 - (b) § 28-101.4.5 - Work that increases existing floor surface area of a prior code building by more than 110 percent.
- (ii) Title 28, Chapter 1, Subchapter 1, Article 102 (entitled "Applicability"):
 - (a) § 28-102.2 - Other laws; and
 - (b) § 28-102.4 - Existing buildings.
- (iii) Title 28, Chapter 1, Subchapter 1, Article 104 (entitled "Construction Documents"):
 - (a) § 28-104.1 - General;
 - (b) § 28-104.1.1 - Construction documents subject to the New York city fire code;
 - (c) § 28-104.2 - Application for approval of construction documents;
 - (d) § 28-104.2.7 - Time period for review;
 - (e) § 28-104.2.7.1 - Notification of approval;
 - (f) § 28-104.2.8 - Notification of rejection;

- (g) § 28-104.6 - Applicant;
 - (h) § 28-104.7.11 - Additional information;
 - (i) § 28-104.7.12 - Waiver of certain documents;
 - (j) § 28-104.8.1 - Applicant statements; and
 - (k) § 28-104.8.2 - Owner statement.
- (iv) Title 28, Chapter 1, Subchapter 1, Article 105 (entitled “Permits”):
- (a) § 28-105.1 - General;
 - (b) § 28- 105 .2 - Classification of work permits;
 - (c) § 28-105.4.2.1 - Definitions;
 - (d) § 28-105 .5 - Application for permit;
 - (e) § 28-105.5.1 - Applicant for permit;
 - (f) § 28-105.5.2 - Owner statement;
 - (g) § 28-105 .7 - Time limitation of applications;
 - (h) § 28- 105.8 - Validity of permit;
 - (i) § 28-105.8.1 - Duration of permit; and
 - (j) § 28-105. 9 - Expiration.
- (v) Title 28, Chapter 1, Subchapter 1, Article 116 (entitled "Inspections and Sign- off of Completed Work"):
- (a) § 28-116.1 - General;
 - (b) § 28-116.2.1 - Preliminary inspection;
 - (c) § 28-116.2.4 - Final inspection; and
 - (d) § 28-116.4 - Sign-off of completed work.

- (vi) Title 28, Chapter 1, Subchapter 1, Article 117 (entitled "Places of Assembly"):
 - (a) § 28 - 117.1 - Place of assembly certificate of operation; and
 - (b) § 28-117.1.2 - New certificate required .
- (vii) The following provisions from NYAC Title 28, Chapter 1, Subchapter 1, Article 118 (entitled " Certificates of Occupancy"):
 - (a) § 28-118.1 - General provisions;
 - (b) § 28-118.3.1 - Change of occupancy or use;
 - (c) § 28-118.3.2 - Changes inconsistent with existing certificate of occupancy;
 - (e) § 28-118.3.3 - Changes to exits;
 - (f) § 28-118.4.1 -Applicant;
 - (g) § 28-118.4.2 - Statement of compliance; and
 - (h) § 28-118.6 - Issuance of certificate of occupancy.

C. New York City Charter

- (i) Charter § 85 "Borough Board"
(http://www.nyc.gov/html/records/pdf/section%201133_citycharter.pdf)

D. New York State Statutory Provisions

- (i) Public Health Law § 3000-d

Dated: May 6, 2022

JENNIFER M. KINSLEY, ESQ.

*Lead Counsel for Plaintiffs in
02 Civ 4431 (LJL)*
Kinsley Law Office
P.O. Box 19478
Cincinnati, OH 45219
(513) 708-2595
kinsleylawoffice@gmail.com

G. RANDALL GARROU, ESQ.

JEROME M. MOONEY, ESQ.
*Lead Counsel for Plaintiffs in
02 Civ 8333 (LJL)*
Weston Garrou & Mooney
12121 Wilshire Blvd # 525
Los Angeles, CA 90025
(310) 442-0072
randygarrou@wgdlaw.com
jerry@mooneylaw.com

-and-

-and-

**AMIT SHERTZER, ESQ.
MITCHEL SCHUSTER, ESQ.**

*Local Counsel for Plaintiffs in
02 Civ 4431 (LJL)*
Meister Seelig & Fein LLP
125 Park Avenue, 7th Floor
New York, NY 10017
(212) 655-3500
as@msf-law.com
ms@msf-law.com

ALAN ABRAMSON, ESQ.

*Local Counsel for Plaintiffs in
02 Civ 8333 (LJL)*
Abramson & Morak
35 Worth Street, # 3
New York, NY 10013
(212) 226-7098
alanabramson@abramsonmorak.com

By: s/Jennifer M. Kinsley
Jennifer M. Kinsley

By: s/G. Randall Garrou
G. Randall Garrou

EDWARD S. RUDOFISKY, ESQ.

*Counsel for Plaintiffs in
02 Civ 4432 (LJL)*
Zane and Rudofsky
Five Arrowwood Lane
Melville, NY 11747
(917) 913-9697
ed@rudofskylaw.com

ERICA T. DUBNO, ESQ.

*Counsel for Plaintiffs in
18 Civ 3732 (LJL)*
Fahringer & Dubno
42 W 43rd Street, # 261
New York, NY 10036
(212) 319-5351
erica.dubno@fahringerlaw.com

By: s/Edward S. Rudofsky
Edward S. Rudofsky

By: s/Erica T. Dubno
Erica T. Dubno

SHERYL NEUFELD, ESQ.

MARK MUSCHENHEIM, ESQ.

KERRI DEVINE, ESQ.

Counsel for Defendants in

All Actions

Office of NYC Corporation Counsel

NYC Law Department

100 Church Street

New York, NY 10007

(212) 356-1000

sneufeld@law.nyc.gov

mmuschen@law.nyc.gov

kdevine@law.nyc.gov

By: s/Sheryl Neufeld
Sheryl Neufeld

JNR-0000016